

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JEFFREY A. NORRIS, )  
 )  
Plaintiff, )  
 ) Case No.  
-vs- ) C-1-01-374  
 )  
FLOYD LOLLA , et al, )  
 )  
Defendant . )

CERTIFICATE OF NOTARY AS TO FAILURE OF  
DEPONENT FLOYD LOLLA TO APPEAR  
FOR DEPOSITION PURSUANT TO NOTICE

February 23, 2004

Craig Williams, CSR, RPR, Notary Public

APPEARANCES:

FOR THE PLAINTIFF: Mr. James Papakirk  
ATTORNEY AT LAW  
301 N. Breiel Boulevard  
Middletown, OH 45042  
(513) 705-9000

ALSO PRESENT: Jeffrey A. Norris

**John E. Connor & Associates, Inc.**  
1860 One American Square  
Indianapolis, IN 46282  
(317)236-6022

1 TO THE HONORABLE JUDGE OF THE UNITED STATES  
2 DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
3 OHIO, WESTERN DIVISION:

4 The undersigned Notary Public reports and  
5 shows to the Court:

6 **MR. PAPAKIRK:** This is Jim Papakirk. I am  
7 here in Indianapolis, Indiana, at the offices of  
8 John Connor & Associates at One American Square  
9 for the purpose of taking Floyd Lolla's  
10 deposition in the matter of Jeffrey A. Norris  
11 versus Floyd Lolla, et al, Case No. C-1-01-374,  
12 pending in the U.S. District Court, Southern  
13 District of Ohio, Western Division, and  
14 currently assigned to Magistrate Judge Timothy  
15 Hogan.

16 Again, it is almost two o'clock. Our  
17 deposition notice had Mr. Lolla requesting him  
18 to appear at 1:30 for his deposition today and,  
19 pursuant to the court's order to have his  
20 deposition concluded before February 29th, 2004,  
21 it is my understanding that Mr. Lolla does not  
22 intend to be here and he is not currently here.

23 It is also my understanding that Mr. Lolla  
24 has been in contact with the court earlier  
25 today, and I believe this morning has been in

1 contact with the Connor office here with the  
2 court reporters to advise that he had made a  
3 request for the appointment of counsel and would  
4 not appear at this deposition.

5 I am simply noting for the record that I,  
6 as Mr. Norris's attorney, am here and present,  
7 as is Mr. Jeff Norris, who is also here. Jeff,  
8 if you can indicate that you are here by saying  
9 "present".

10 **MR. NORRIS:** Present.

11 **MR. PAPAKIRK:** And that we had traveled all  
12 the way from Cincinnati -- actually Middletown,  
13 Ohio, to Indianapolis to take the deposition of  
14 Mr. Lolla pursuant to the court's order.

15 At this point, it's my understanding in  
16 speaking to Judge Hogan's law clerk moments ago  
17 by telephone that Mr. Lolla did contact the  
18 magistrate's office and in turn was referred to  
19 the clerk of courts since nothing had been  
20 showing on the docket relative to this  
21 deposition other than our notice to take it.

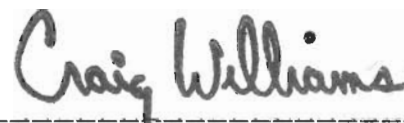
22 At this point I'm going to proceed to  
23 adjourn the deposition and will follow up with  
24 the court to request the appropriate relief,  
25 including sanctions, if applicable, due to

1 Mr. Lolla's failure to appear today.

2 And this deposition, we will continue it in  
3 progress until Mr. Lolla cooperates with the  
4 notice sent upon him. Thanks.

5 Before I depart on this matter of Norris  
6 versus Lolla, et al, I'm going to go ahead and  
7 introduce as Exhibit A to this transcript the  
8 documents that were dropped off by Mr. Lolla  
9 earlier today at John Connor & Associates for  
10 the record.

11 WHEREFORE, the undersigned reports said  
12 facts to this Court for such action as the Court  
13 may deem proper.

14 

15 \_\_\_\_\_  
16 Craig Williams  
17 Notary Public  
County of Marion

18 My Commission Expires:  
19 January 23, 2008  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Jeffrey A. Norris	)	
	)	
Plaintiff	)	Case No. C-01-374
	)	
vs.	)	
	)	
Floyd Lolla, et al.,	)	
	)	
Defendants.	)	

REQUEST FOR APPOINTMENT OF COUNSEL


Comes now the Defendant, Floyd Lolla, pro se, and request the court to appoint counsel in the above cause of action. In support, Defendant would offer the following:

1. That on or about January 5, 2001, Plaintiff filed the above cause of action against Defendant Floyd Lolla(hereafter referred to as Defendant Lolla);
2. That on or about September 11, 2002, the court entered a default judgment against Defendant Lolla;
3. That on or about March 3, 2002, pursuant to correspondence from Defendant Lolla, the court rescinded its grant of summary judgment and order that the case proceed;
4. That Defendant Lolla has been given notice of the taking of his deposition and said deposition is scheduled for February 23, 2004;
5. That Defendant Lolla has no legal training and is in no way in a position to defend himself against the allegations contained in Plaintiff's complaint;

6. That Defendant Lolla is a senior citizen who lives on his disability and a four (4) hour a day job, which pays him \$6.50 an hour;
7. That if Defendant Lolla is appointed counsel, it is his belief that the complaint against him can/will be dismissed;\*
8. That Defendant Lolla needs appointment of counsel to assist in the protection and preservation of all his legal rights.

WHEREFORE, Defendant Lolla prays that the court grant this motion, appoint counsel and for all other relief which the court deems appropriate.

Respectfully submitted,



Floyd Lolla, Defendant

#### AFFIRMATION

I, Floyd Lolla, affirm under the penalties of perjury, affirm that all of the statements contained in the above Request for Appointment of Counsel are true accurate to the best of my knowledge and belief.



Floyd Lolla, Defendant

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\* In order to maintain Defendant Lolla as a party, Plaintiff, in paragraphs 9, 10 and 11, of his complaint, states that he and Defendant worked together and knew each other. Defendant Lolla strongly maintains that this is not true. Defendant Lolla has never worked with or met Plaintiff, as Defendant Lolla lives in Indianapolis, Indiana and the Plaintiff resides in Ohio. Further, in an effort to explain the residential differences, Plaintiff's complaint states that Defendant Lolla and the Plaintiff met in Indiana while the Plaintiff was attending a seminar. However, Defendant Lolla has never attended a seminar in his life.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing request for counsel has been served upon the James Papakirk, Attorney for Plaintiff, located at 301 N. Breiel Boulevard, Middletown, Ohio, 45042 by placing a copy of the same in the U. S. first class mail, postage pre-paid this 27 day of February 2004.

Sharon Tella  
~~XXXXXXXXXX~~  
FLORENCE  
1912 Court  
Jedediah Fred  
Heron